

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IMAD YANNI, *et al.*,

Plaintiffs,

v.

CITY OF SEATTLE, *et al.*,

Defendants.

Case No. C04-0896L

ORDER REGARDING PLAINTIFFS'
MOTION *IN LIMINE*

This matter comes before the Court on a motion *in limine* filed by plaintiffs Imad and Maryann Yanni. (Dkt. #120). First, plaintiffs request that the Court exclude evidence that some of plaintiffs' medical expenses have been paid for by a collateral source. Defendant does not object to this request, and the Court grants it.

Second, plaintiffs seek to exclude any mention of the possibility that they may recover attorney's fees pursuant to 42 U.S.C. § 1988 if they prevail. The Court grants the motion as to that request. In their memoranda, the parties argue about whether plaintiffs will be entitled to recover their attorney's fees under either Section 1988 or Section 1983. That issue is premature and the Court declines to rule on it now.

Third, plaintiffs seek to exclude testimony and argument regarding rulings the Court has made on motions for summary judgment, except to the extent that the rulings may be relevant in

1 the second phase of the trial regarding Officer Elliott's counterclaim. Defendant will be allowed
2 to question both plaintiffs about their complaints, the factual allegations therein, and their
3 claimed damages against the two officers. The parties will not be permitted to present testimony
4 or arguments about the Court's rulings on summary judgment motions, the dismissal of Officer
5 Elliott or the City, or plaintiffs' allegations against the City. The only exception will be that the
6 Court will inform the potential jurors during voir dire that Officer Elliott was a defendant in this
7 case, but based on a ruling by this Court which they should not concern themselves with, he is
8 no longer a defendant; counsel will be permitted to ask appropriate questions about that issue
9 during the voir dire process.

10 For all of the foregoing reasons, plaintiffs' motion *in limine* is GRANTED IN PART
11 AND DENIED IN PART as set forth more fully above (Dkt. #120).

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13 DATED this 3rd day of October, 2005.

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16 Robert S. Lasnik
17 United States District Judge
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